

REMARKS

This is a full and timely response to the outstanding Office action mailed April 20, 2005. Statements not explicitly addressed herein are not admitted.

I. Present Status of Patent Application

Under 35 U.S.C. §121, restriction to one of the following inventions is allegedly required.

I. Claims 1-9 and 20, drawn to computer-to-computer data modifying, classified in class 709, subclass 246.

II. Claims 10-19, drawn demand based messaging, classified in class 709, subclass 206.

II. Restriction Requirement

In response to the requirements of the Office Action, Applicant hereby provisionally elects invention I corresponding to claims 1-9 and 20 with traverse and asks that the restriction requirement be withdrawn.

The restriction requirement is apparently based on an alleged intermediate/final product relationship between two sets of claims, Group I and Group II. Applicant asserts that there is not an intermediate-final product relationship. The method claims of Group I are not drawn to a product; they are drawn to a method. Nevertheless, even if they are considered to be effectively drawn to a product, then the products that they are drawn to are at the same stage as the products to which the claims of Group II are drawn.

Additionally, Applicant asserts that the arguments above do **not** equate the two sets of claims. The Office Action states that “if the examiner finds one of the inventions anticipated by the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.” However, since the basis upon which the restriction was made is so clearly improper, Applicant’s traversal should not serve as such an admission.

CONCLUSION

In light of the foregoing amendments and for at least the reasons set forth above, Applicant respectfully submits that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the now pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned agent at (770) 933-9500.

Respectfully submitted,



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